

Review Staff: 76/0003  
6 January 1976

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Jeanne Davis, NSC Staff

1. Ms. Davis phoned me this afternoon to discuss the problem of storage of the materials collected by the select committees. She observed that storage at NSA is not acceptable to the people with whom she has talked, which includes General Scowcroft. 40 Committee material and NSC papers should not, in her opinion, be held and controlled by NSA personnel. She talked about the NSC taking custody and a review of this is being conducted to see if it is physically feasible to do so.

2. The NSC staff is going to try and develop two alternatives to add to the two we now have. We are preparing a draft on National Archives storage. NSA is preparing one on storage out there, and NSC will prepare two options as follows:

a. All the material will be stored by the NSC and made available for Congressional reference;

b. Consideration will be given to some segregation by originating organizations. Under the second option, the NSC may have some kind of sub-option whereby its materials are segregated from all the others and stored at [ ] along with its other papers. I noted that the sub-option puts investigative materials back in CIA hands which we had hoped to avoid.

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3. General Scowcroft and Mr. Marsh seem to be in agreement that eventual negotiations with the select committees should be conducted by the White House. Ms. Davis and I agreed that we would go ahead with the two options now being drafted for storage in the National Archives and the NSA and that her staff would try and develop its two additional options. The committee that we have could hold another meeting, rank the options in terms of desirability and put these in an option paper for White House review.

ADMINISTRATIVE - INTERNAL USE ONLY

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4. I noted that Mr. Martin of the DOJ is to produce some additional language on control of access, after which CIA and NSA could complete their respective proposals. I promised to provide her copies of these drafts. When she has completed hers, we will hold our next meeting, which is to be in the near future.



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S. D. Breckinridge

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Review Staff: 76/0012  
5 January 1976

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MEMORANDUM FOR THE RECORD

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SUBJECT: Meeting on Disposition of Select Committee  
Records

This morning at 10:30 [ ] (O/DDA), [ ]  
[ ] (O/S), [ ] (OGC), and I met with  
the following: Alfred Goldberg, Office of the Secretary  
of Defense; Thomas Martin, Office of Assistant Attorney  
General; Michael Hornblow of the National Security Council,  
and; J. J. Hitchcock, Department of State. The purpose of  
the meeting was to consider a position for the Executive  
Branch on how the House and Senate Select Committees  
should provide for storage and handling their records after  
termination of the investigations.

A copy of the proposed resolution had been distributed  
in advance to those attending the meeting. We explained  
the steps we had gone through in producing the draft in the  
present form (copy attached). It was noted that the most  
difficult point, in terms of getting agreement with the  
Congressional Committees, was the last provision which  
specifies that eventual downgrading or declassification  
of records would be carried out by the originating departments.  
There was some general discussion about the draft bill  
prepared by the Senate Committee on Government Operations.

Mr. Goldberg asked what alternatives had been con-  
sidered as storage places, other than the National  
Archives. We stated that it had been suggested that the  
Agency accept the responsibility, which had been declined  
because of repercussions if something happened to the  
materials. Mr. Goldberg offered NSA as a storage site,  
saying that Congressman Pike had agreed to this following  
his earlier investigation of the Pueblo incident.

It was the sense of the meeting that if the Congress is to retain control over the material then storage at NSA would be preferable to storage in the National Archives. It was agreed, however, to propose drafts of two options, one for NSA storage and one for National Archives storage.

Mr. Martin stated that he would like to provide some additional language on how access to the materials could be controlled. He was asked to provide this to CIA as well as to NSA. [redacted] suggested additional language to provide not only for security clearances, which refers to classifications, but also for security approval, which provides for compartmented information.

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Mr. Hornblow agreed to speak with Mr. Marsh, in the White House, so some thought could be given to how the Executive Branch would present its position to the Select Committees.

Following circulation of drafts a new meeting will be scheduled.

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[redacted]  
S. D. Breckinridge  
Chief, Review Staff

cc:

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29 December 1975

Resolved, that all records, including books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Select Committee To Study Governmental Operations With Respect To Intelligence Activities, established under Senate Resolution 21 of the 94th Congress, shall be transferred upon the termination of the Select Committee's mandate to the National Archives and Records Service, there to be held in secure storage as described below in Section 2, with their use being limited to those persons or organizations authorized in the manner described below in Section 3.

Section 2. All records transferred to the National Archives and Records Service for secure storage by the Senate Select Committee shall be stored in a secure area or areas separate and discrete from all other areas in which records are stored by the National Archives and Records Service. This secure storage shall meet the security specifications designated in Executive Branch standards for appropriate storage of classified and/or unclassified material. The Central Intelligence Agency, acting in behalf of the Executive Branch, will conduct a physical security survey to ensure that the storage facilities meet those standards. National Archives and Records Service personnel with access to the records will be appropriately cleared and briefed for records requiring special clearance.

Section 3. Use of the records transferred by the Senate Select Committee to the National Archives and Records Service shall be limited to persons cleared and briefed for the classifications and controls of the materials involved, and shall be further limited to those persons and members of organizations authorized in the specific manner described below:

Section 3(a). Use of the records containing information originated by the Senate Select Committee shall be limited to (1) current members of the acting, duly established Senate Legislative Oversight Committee or Committees, (2) appropriate staff members of the acting duly established

Senate Legislative Oversight Committee or Committees, as duly authorized by the Chairman of such Committee in writing. Use of such stored records, developed by the Senate Select Committee from the testimony, depositions or affidavits of the employees or of former employees of the various departments, agencies or organizations shall be subject to the requirements of Section 3(b), below, as though furnished by them.

Section 3(b). Records furnished or information provided to the Senate Select Committee shall be available for use by persons, agencies, departments, or organization, or by congressional committees or bodies other than the duly designated Senate Legislative Oversight Committee or Committees, only with the prior concurrence of the originating department, agency, organization, or its successor.

Section 3(c). Any requests for records or information delivered to the National Archives and Records Service by the Senate Select Committee under this Resolution, other than requests from the duly established Senate Legislative Oversight Committee or Committees (as provided in Section 3(a), supra) shall be made in writing by a representative designated by the department, agency or organization that originated said information. The designated official shall be responsible for ensuring that the proper clearances exist for the requestor.

Section 4. Eventual downgrading or declassification of classified records transferred by the Senate Select Committee to the National Archives and Records Service shall be carried out by the originating departments, agencies and organizations, or their successors, in accordance with applicable statutes and Executive Orders.